

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED

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CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY  CLERK

WHOLE WOMAN'S HEALTH, §  
PLANNED PARENTHOOD CENTER §  
FOR CHOICE, PLANNED §  
PARENTHOOD OF GREATER TEXAS §  
SURGICAL HEALTH SERVICES, §  
PLANNED PARENTHOOD SOUTH §  
TEXAS SURGICAL CENTER, ALAMO §  
CITY SURGERY CENTER PLLC, D/B/A §  
ALAMO WOMEN'S REPRODUCTIVE §  
SERVICES, SOUTHWESTERN §  
WOMEN'S SURGERY CENTER, NOVA §  
HEALTH SYSTEMS, INC. D/B/A §  
REPRODUCTIVE SERVICES, EACH §  
ON BEHALF OF ITSELF, ITS STAFF, §  
PHYSICIANS, AND PATIENTS, ROBIN §  
WALLACE, M.D., BHAVIK KUMAR, §  
M.D., M.P.H., ALAN BRAID, M.D., §  
EACH ON THEIR OWN BEHALF AND §  
ON THEIR PATIENTS' BEHALF, §  
PLAINTIFFS, §

V. §

CAUSE NO. A-17-CV-690-LY

KEN PAXTON, ATTORNEY GENERAL §  
OF TEXAS, IN HIS OFFICIAL §  
CAPACITY, AND MARGARET §  
MOORE, DISTRICT ATTORNEY FOR §  
TRAVIS COUNTY, NICHOLAS §  
LAHOOD, CRIMINAL DISTRICT §  
ATTORNEY FOR BEXAR COUNTY, §  
JAIME ESPARZA, DISTRICT §  
ATTORNEY FOR EL PASO COUNTY, §  
FAITH JOHNSON, DISTRICT §  
ATTORNEY FOR DALLAS COUNTY, §  
SHAREN WILSON, CRIMINAL §  
DISTRICT ATTORNEY TARRANT §  
COUNTY, RICARDO RODRIGUEZ, JR., §  
CRIMINAL DISTRICT ATTORNEY §  
FOR HIDALGO COUNTY, ABELINO §  
REYNA, CRIMINAL DISTRICT §  
ATTORNEY FOR MCLENNAN §

COUNTY, AND KIM OGG, CRIMINAL	§
DISTRICT ATTORNEY FOR HARRIS	§
COUNTY, EACH IN THEIR OFFICIAL	§
CAPACITY,	§
DEFENDANTS.	§
	§

**PERMANENT INJUNCTION AND FINAL JUDGMENT**

Before the court is the above-styled and numbered cause. On September 29, 2017, upon an unopposed motion, the court dismissed from this action all of Plaintiff Curtis Boyd, M.D.'s claims alleged on behalf of himself and his patients against all Defendants. On this date, by separate Memorandum Opinion Incorporating Findings of Fact and Conclusions of Law, the court determined that those provisions of Senate Bill 8, Section 6, Ch. 441, § 6, 2017 Tex. Sess. Law. Serv. 1167-68, creating Texas Health and Safety Code sections 171.151 through 171.154 are facially unconstitutional. Therefore,

**THE COURT DECLARES** those provisions of Senate Bill 8, Section 6, Ch. 441, § 6, 2017 Tex. Sess. Law. Serv. 1167-68, creating Texas Health and Safety Code sections 171.151 through 171.154, are **VOID**.

**IT IS FURTHER ORDERED** that Defendants Ken Paxton, Attorney General of Texas as well as his employees, agents, and successors in office, Defendants Travis County District Attorney Margaret Moore, Bexar County Criminal District Attorney Nicholas LaHood, El Paso District Attorney Jaime Esparza, Dallas County District Attorney Faith Johnson, Tarrant County Criminal District Attorney Sharen Wilson, Hidalgo County Criminal District Attorney Ricardo Rodriguez, Jr., McLennan County Criminal District Attorney Abelino Reyna, and Harris County Criminal District Attorney Kim Ogg as well as their agents, employees, successors in office, and any other persons or

entities acting on their behalf are hereby **ENJOINED** from enforcing those provisions of Senate Bill 8, Section 6, Ch. 441, § 6, 2017 Tex. Sess. Law. Serv. 1167-68, creating Texas Health and Safety Code sections 171.151 through 171.154.

As all disputes among the parties have been resolved, the court renders the following Final Judgment pursuant to Federal Rule of Civil Procedure 58.

**IT IS ORDERED** that Plaintiffs Whole Woman's Health, Planned Parenthood Center for Choice, Planned Parenthood of Greater Texas Surgical Health Services, Planned Parenthood South Texas Surgical Center, Alamo City Surgery Center PLLC, Southwestern Women's Surgery Center, Nova Health Systems, Inc., Robin Wallace, M.D., Bhavik Kumar, M.D., M.P.H., and Alan Braid, M.D. recover their costs of court from Defendants.

Any claim for attorney's fees incurred in this action will be determined post judgment and pursuant to Rule CV-7(j), of the Local Rules of the United States District Court for the Western District of Texas.

Fees and costs for services rendered by the court's Master Karl Bayer during the discovery phase of this action and pursuant to Federal Rule of Civil Procedure 53, which were incurred by Plaintiffs and Defendant Ken Paxton, Attorney General of Texas, in His Official Capacity, are separate and distinct from costs incurred pursuant to Title 28 United States Code section 1920, and the court shall assess those fees and costs by separate order.

**IT IS FURTHER ORDERED** that the court will not entertain any request to stay this judgment pending an appeal to the United States Court of Appeals for the Fifth Circuit.

**IT IS FINALLY ORDERED** that the case is hereby **CLOSED**.

SIGNED this 22nd day of November, 2017.

  
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LEE YEAKEL  
UNITED STATES DISTRICT JUDGE